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 Attorneys for Defendant Sequel Youth
 and Family Services, LLC

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON

A.S. a pseudonym,
 Plaintiff,
 v.

STATE OF OREGON, by and through its
 Department of Human Services, RED ROCK
 CANYON SCHOOL, L.L.C., a limited liability
 company, RED ROCK CANYON SCHOOL
 NON-PROFIT ORGANIZATION, a foreign
 nonprofit; SEQUEL TSI HOLDINGS, LLC, a
 foreign limited liability company; SEQUEL
 YOUTH AND FAMILY SERVICES, LLC, a
 foreign limited liability company; VIVANT
 BEHAVIORAL HEALTHCARE, LLC, a
 foreign limited liability company; SEQUEL
 YOUTH SERVICES OF RED ROCK
 CANYON, LLC, a foreign limited liability
 company; MARILYN JONES in her individual
 and official capacity; JANA MCLELLAN, in
 her individual and official capacity; GLENDA
 MARSHALL in her individual and
 professional capacity; RYAN SANTI, in his
 individual and official capacity; GENA PALM,
 in her individual and professional capacity; and
 JOHN STUPAK, in his individual and official
 capacity,

Defendants.

NO. 3:23-cv-01643

DEFENDANTS SEQUEL TSI HOLDINGS,
 LLC; SEQUEL YOUTH AND FAMILY
 SERVICES, LLC; AND SEQUEL YOUTH
 SERVICES OF RED ROCK CANYON, LLC,
 ANSWER TO PLAINTIFF'S **FIRST
 AMENDED COMPLAINT**

DEMAND FOR JURY TRIAL

DEFENDANTS SEQUEL TSI HOLDINGS, LLC;
 SEQUEL YOUTH AND FAMILY SERVICES, LLC;
 AND SEQUEL YOUTH SERVICES OF RED ROCK
 CANYON, LLC, ANSWER TO PLAINTIFF'S FIRST
 AMENDED COMPLAINT - 1

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1 Defendants SEQUEL TSI HOLDINGS, LLC, SEQUEL YOUTH AND FAMILY
2 SERVICES, LLC, SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC, RYAN
3 SANTI, GENA PALM, and JOHN STUPAK, herein after “Defendants” answer Plaintiff’s
4 Complaint as follows:

5 1. This paragraph contains a legal conclusion to which no response is required.

6 2. Paragraph #2 contains allegations that do not relate to the answering defendants
7 and, as such, does not require a response. To the extent that a response is required, the answering
8 defendants deny for lack of information.

9 3. Paragraph #3 contains allegations that do not relate to the answering defendants
10 and, as such, does not require a response. To the extent that a response is required, the answering
11 defendants deny for lack of information.

12 4. Paragraph #4 contains allegations that do not relate to the answering defendants
13 and, as such, does not require a response. To the extent that a response is required, the answering
14 defendants deny for lack of information.

15 5. Sequel Youth Services of Red Rock Canyon, LLC, is a limited liability company
16 with a place of business in Alabama. The remaining allegations in this paragraph call for a legal
17 conclusion as to agency, and do not require a response. If a response is deemed to be required,
18 answering defendants deny.

19 6. Defendants lack sufficient information to admit or deny the allegations contained
20 in paragraph #6, so they are denied. This paragraph contains legal conclusions as to agency, to
21 which no response is necessary about if a response is deemed to be required, the answering
22 defendants deny.

23 7. Paragraph #7 contains allegations that do not relate to the answering defendants
24 and, as such, does not require a response. To the extent that a response is required, the answering
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DEFENDANTS SEQUEL TSI HOLDINGS, LLC;
SEQUEL YOUTH AND FAMILY SERVICES, LLC;
AND SEQUEL YOUTH SERVICES OF RED ROCK
CANYON, LLC, ANSWER TO PLAINTIFF’S FIRST
AMENDED COMPLAINT - 2

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1 defendants deny for lack of information. Answering defendants deny all allegations of agency,
2 which calls for a legal conclusion.

3 8. Paragraph #8 contains allegations that do not relate to the answering defendants
4 and, as such, does not require a response. To the extent that a response is required, the answering
5 defendants deny for lack of information.

6 9. Paragraph #9 contains allegations that do not relate to the answering defendants
7 and, as such, does not require a response. To the extent that a response is required, the answering
8 defendants deny for lack of information.

9 10. Paragraph #10 contains allegations that do not relate to the answering defendants
10 and, as such, does not require a response. To the extent that a response is required, the answering
11 defendants deny for lack of information.

12 11. Answering defendants admit that Ryan Santi is a former employee of Sequel. As
13 to the remainder of paragraph #11, the answering defendants lack sufficient information to admit
14 or deny the allegations contained within Paragraph #11, so they are hereby denied. Plaintiff is left
15 to his proof.

16 12. Answering defendants admit that Gena Palm is a former employee of Sequel. As
17 to the remainder of paragraph #12, the answering defendants lack sufficient information to admit
18 or deny the allegations contained within Paragraph #12, so they are hereby denied. Plaintiff is left
19 to her proof.

20 13. Answering defendants admit that John Stupak is a former employee of Sequel. As
21 to the remainder of paragraph #13, the answering defendants lack sufficient information to admit
22 or deny the allegations contained within Paragraph #13, so they are hereby denied.

23 14. Defendants lack sufficient information to admit or deny the allegations contained
24 in paragraph #14, so they are denied. This paragraph contains legal conclusions as to agency, to
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1 which no response is necessary about if a response is deemed to be required, the answering
2 defendants deny.

3 15. Defendants lack sufficient information to admit or deny the allegations contained
4 in paragraph #15, so they are denied. This paragraph contains legal conclusions as to agency, to
5 which no response is necessary about if a response is deemed to be required, the answering
6 defendants deny.

7 16. Defendants lack sufficient information to admit or deny the allegations contained
8 in paragraph #16, so they are denied. This paragraph contains legal conclusions as to agency, to
9 which no response is necessary about if a response is deemed to be required, the answering
10 defendants deny.

11 17. Defendants lack sufficient information to admit or deny the allegations contained
12 in paragraph #17, so they are denied. This paragraph contains legal conclusions as to agency, to
13 which no response is necessary about if a response is deemed to be required, the answering
14 defendants deny.

15 18. Defendants lack sufficient information to admit or deny the allegations contained
16 in paragraph #18, so they are denied. This paragraph contains legal conclusions as to agency, to
17 which no response is necessary about if a response is deemed to be required, the answering
18 defendants deny.

19 19. Paragraph #19 contains allegations that do not relate to the answering defendants
20 and, as such, does not require a response. To the extent that a response is required, the answering
21 defendants deny for lack of information.

22 20. Defendants lack sufficient information to admit or deny the allegations contained
23 in paragraph #20, so they are denied.

24 21. Paragraph #21 contains allegations that do not relate to the answering defendants
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1 and, as such, does not require a response. To the extent that a response is required, the answering
2 defendants deny for lack of information.

3 22. This paragraph (and all subparts) contains a legal conclusion to which no response
4 is required. To the extent that a response is required, the answering defendants deny for lack of
5 information.

6 23. This paragraph contains no factual allegations and therefore no response is
7 required.

8 24. This paragraph (and all subparts) contains no factual allegations and therefore no
9 response is required.

10 25. This paragraph (and all subparts) contains no factual allegations and therefore no
11 response is required.

12 26. This paragraph (and all subparts) contains no factual allegations and therefore no
13 response is required.

14 27. This paragraph contains no factual allegations, calls for a legal conclusion and
15 therefore no response is required. To the extent a response is deemed to be required, deny.

16 28. Defendants lack sufficient information to admit or deny the allegations contained
17 in paragraph #28, so they are denied.

18 29. Defendants lack sufficient information to admit or deny the allegations contained
19 in paragraph #29, so they are denied.

20 30. Defendants lack sufficient information to admit or deny the allegations contained
21 in paragraph #30, so they are denied.

22 31. Defendants lack sufficient information to admit or deny the allegations contained
23 in paragraph #31, so they are denied.

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DEFENDANTS SEQUEL TSI HOLDINGS, LLC;
SEQUEL YOUTH AND FAMILY SERVICES, LLC;
AND SEQUEL YOUTH SERVICES OF RED ROCK
CANYON, LLC, ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT - 5

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1 32. Defendants lack sufficient information to admit or deny the allegations contained
2 in paragraph #32, so they are denied.

3 33. Paragraph #33 contains allegations that do not relate to the answering defendants
4 and, as such, does not require a response. To the extent that a response is required, the answering
5 defendants deny for lack of information.

6 34. Paragraph #34 contains allegations regarding Glenda Marshall that do not relate to
7 the answering defendants and, as such, does not require a response. As to the remaining allegations
8 contained in Paragraph #34, the answering defendants deny for lack of information.

9 35. Paragraph #35 contains allegations that do not relate to the answering defendants
10 and, as such, does not require a response. To the extent that a response is required, the answering
11 defendants deny for lack of information.

12 36. Paragraph #36 contains allegations that do not relate to the answering defendants
13 and, as such, does not require a response. To the extent that a response is required, the answering
14 defendants deny for lack of information.

15 37. Paragraph #37 contains allegations regarding defendants Jones, McLellan and
16 Marshall that do not relate to the answering defendants and, as such, does not require a response.
17 As to the remaining allegations contained in Paragraph #37, the answering defendants deny for
18 lack of information.

19 38. Defendants lack sufficient information to admit or deny the allegations contained
20 in paragraph #38, so they are denied.

21 39. Paragraph #39 contains allegations that do not relate to the answering defendants
22 and, as such, does not require a response. To the extent that a response is required, the answering
23 defendants deny for lack of information.

24 40. Defendants lack sufficient information to admit or deny the allegations contained
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1 in paragraph #38 (and all subparts), so they are denied.

2 41. Paragraph #41 contains allegations that do not relate to the answering defendants
3 and, as such, does not require a response. To the extent that a response is required, the answering
4 defendants deny for lack of information.

5 42. Defendants lack sufficient information to admit or deny the allegations contained
6 in paragraph #42, so they are denied.

7 43. Paragraph #43 contains allegations that do not relate to the answering defendants
8 and, as such, does not require a response. To the extent that a response is required, the answering
9 defendants deny for lack of information.

10 44. Defendants lack sufficient information to admit or deny the allegations contained
11 in paragraph #44, so they are denied.

12 45. Defendants lack sufficient information to admit or deny the allegations contained
13 in paragraph #45, so they are denied.

14 46. Defendants lack sufficient information to admit or deny the allegations contained
15 in paragraph #46, so they are denied.

16 47. Defendants lack sufficient information to admit or deny the allegations contained
17 in paragraph #47, so they are denied.

18 48. Defendants lack sufficient information to admit or deny the allegations contained
19 in paragraph #48, so they are denied.

20 49. Defendants lack sufficient information to admit or deny the allegations contained
21 in paragraph #49, so they are denied.

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CANYON, LLC, ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT - 7

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FIRST CLAIM FOR RELIEF (Negligence)

Defendants re-allege and incorporate their responses to paragraphs 1–49.

Count I: Negligence Against DSHS

50. Paragraph #50 contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering defendants deny for lack of information.

51. Paragraph #51 (and all subparts) contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering defendants deny for lack of information.

COUNT TWO: Negligence against “Red Rock Management”

52. This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. To the extent that this paragraph is directed to the answering defendants, it contains no factual allegations and legal conclusions only to which no response is required.

53. This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. As to the answering defendants, deny.

53(a). This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. As to the answering defendants, deny.

1 53(b). This paragraph makes allegations against “Red Rock Management” which,
2 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
3 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
4 answering defendants, deny.

5 53(c). This paragraph makes allegations against “Red Rock Management” which,
6 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
7 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
8 answering defendants, deny.

9 53(d). This paragraph makes allegations against “Red Rock Management” which,
10 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
11 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
12 answering defendants, deny.

13 53(e). This paragraph makes allegations against “Red Rock Management” which,
14 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
15 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
16 answering defendants, deny for lack of information.

17 53(f). This paragraph makes allegations against “Red Rock Management” which,
18 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
19 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
20 answering defendants, deny for lack of information.

21 53(g). This paragraph makes allegations against “Red Rock Management” which,
22 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
23 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
24 answering defendants, deny for lack of information.

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DEFENDANTS SEQUEL TSI HOLDINGS, LLC;
SEQUEL YOUTH AND FAMILY SERVICES, LLC;
AND SEQUEL YOUTH SERVICES OF RED ROCK
CANYON, LLC, ANSWER TO PLAINTIFF’S FIRST
AMENDED COMPLAINT - 9

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53(h). This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. As to the answering defendants, deny for lack of information.

53(i). This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. As to the answering defendants, deny for lack of information. (The allegations in this paragraph also do not support the stated tort of negligence.)

COUNT THREE: Negligence Per Se Against DSHS

54. Paragraph #54 contains allegations that do not relate to the answering defendants and, as such, does not require a response. All claims regarding agency of the answering defendants are denied. To the extent that a response is required as to the remaining allegations, the answering defendants deny for lack of information.

54(a). Paragraph #54(a) contains allegations that do not relate to the answering defendants and, as such, does not require a response. All claims regarding agency of the answering defendants are denied. To the extent that a response is required as to the remaining allegations, the answering defendants deny for lack of information.

54(b). Paragraph #54(b) contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required as to the remaining allegations, the answering defendants deny for lack of information.

54(c). Paragraph #54(c) contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required as to the remaining allegations, the answering defendants deny for lack of information.

DEFENDANTS SEQUEL TSI HOLDINGS, LLC;
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CANYON, LLC, ANSWER TO PLAINTIFF’S FIRST
AMENDED COMPLAINT - 10

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1 54(d). Paragraph #54(d) contains allegations that do not relate to the answering defendants
2 and, as such, does not require a response. To the extent that a response is required as to the
3 remaining allegations, the answering defendants deny for lack of information.

4 54(e). Paragraph #54(e) contains allegations that do not relate to the answering defendants
5 and, as such, does not require a response. To the extent that a response is required as to the
6 remaining allegations, the answering defendants deny for lack of information.

7 54(f). Paragraph #54(f) contains allegations that do not relate to the answering defendants
8 and, as such, does not require a response. To the extent that a response is required as to the
9 remaining allegations, the answering defendants deny for lack of information.

10 54(g). Paragraph #54(g) contains allegations that do not relate to the answering defendants
11 and, as such, does not require a response. To the extent that a response is required as to the
12 remaining allegations, the answering defendants deny for lack of information.

13 54(h). Paragraph #54(h) contains allegations that do not relate to the answering defendants
14 and, as such, does not require a response. To the extent that a response is required as to the
15 remaining allegations, the answering defendants deny for lack of information.

16 **COUNT FOUR: Negligence Per Se Against “Red Rock Management”**

17 55. This paragraph makes allegations against “Red Rock Management” which,
18 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
19 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
20 answering defendants, deny.

21 55(a). This paragraph makes allegations against “Red Rock Management” which,
22 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
23 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
24 answering defendants, deny for lack of information.

25
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CANYON, LLC, ANSWER TO PLAINTIFF’S FIRST
AMENDED COMPLAINT - 11

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p. 206-749-0094 • f. 206-749-0194

1 55(b). This paragraph makes allegations against “Red Rock Management” which,
 2 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 3 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
 4 answering defendants, deny for lack of information.

5 55(c). This paragraph makes allegations against “Red Rock Management” which,
 6 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 7 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
 8 answering defendants, deny for lack of information.

9 55(d). This paragraph makes allegations against “Red Rock Management” which,
 10 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 11 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
 12 answering defendants, deny for lack of information.

13 56. To the extent that this paragraph is directed and the answering defendants, any
 14 allegation of negligence is denied. The remainder of this paragraph is an assertion for damages,
 15 which requires no response, but if a response is necessary, deny.

16 **SECOND CLAIM FOR RELIEF (Battery Against “Red Rock Management”)**

17 57. Defendants re-allege and incorporate their responses to paragraphs 1–57.

18 58. This paragraph makes allegations against “Red Rock Management” which,
 19 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 20 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
 21 answering defendants, deny for lack of information.

22 59. This paragraph makes allegations against “Red Rock Management” which,
 23 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 24
 25

the allegations in this paragraph are directed to other defendants, no response is needed. All legal conclusions regarding agency are denied. As to the answering defendants, deny.

THIRD CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress Against “Red Rock Management”)

60. Defendants re-allege and incorporate their responses to paragraphs 1–59.

61. This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. All legal conclusions regarding agency are denied. As to the answering defendants, deny.

62. This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. All legal conclusions regarding agency are denied. As to the answering defendants, deny.

FOURTH CLAIM FOR RELIEF

(First Amendment Violation Against “Red Rock Management,” Santi, Palm, and Stupak)

63. Defendants re-allege and incorporate their responses to paragraphs 1–63.

64. This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. All legal conclusions regarding agency are denied. The remainder of this paragraph calls for legal conclusions to which no response is required.

65(a). This paragraph makes allegations against “Red Rock Management” which, according to Paragraph #7, includes defendants other than the answering defendants. To the extent the allegations in this paragraph are directed to other defendants, no response is needed. All legal

1 conclusions regarding agency are denied. As to the answering defendants, deny for lack of
2 information.

3 65(b). This paragraph makes allegations against “Red Rock Management” which,
4 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
5 the allegations in this paragraph are directed to other defendants, no response is needed. All legal
6 conclusions regarding agency are denied. As to the answering defendants, deny for lack of
7 information.

8 65(c). This paragraph makes allegations against “Red Rock Management” which,
9 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
10 the allegations in this paragraph are directed to other defendants, no response is needed. All legal
11 conclusions regarding agency are denied. As to the answering defendants, deny for lack of
12 information.

13 65(d). This paragraph makes allegations against “Red Rock Management” which,
14 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
15 the allegations in this paragraph are directed to other defendants, no response is needed. All legal
16 conclusions regarding agency are denied. As to the answering defendants, deny for lack of
17 information.

18 66. To the extent the allegations in this paragraph are directed to other defendants, no
19 response is needed. All legal conclusions regarding agency are denied. As to the answering
20 defendants, deny for lack of information.

21 67. This paragraph makes allegations against “Red Rock Management” which,
22 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
23 the allegations in this paragraph are directed to other defendants, no response is needed. All legal
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CANYON, LLC, ANSWER TO PLAINTIFF’S FIRST
AMENDED COMPLAINT - 14

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p. 206-749-0094 • f. 206-749-0194

1 conclusions regarding agency are denied. As to the answering defendants, deny for lack of
2 information.

3 68. To the extent the allegations in this paragraph are directed to other defendants, no
4 response is needed. All legal conclusions regarding agency are denied. As to the answering
5 defendants, deny.

6 69. This paragraph contains no allegations and no response is required.

7 70. This paragraph contains no allegations and no response is required.

8 **FIFTH CLAIM FOR RELIEF**

9 **(First Amendment Violation Against “Red Rock Management,” Santi, Palm, and Stupak)**

10 71. Defendants re-allege and incorporate their responses to paragraphs 1–70.

11 72. This paragraph makes allegations against “Red Rock Management” which,
12 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
13 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
14 answering defendants, this paragraph calls for a legal conclusion to which no response is required.

15 73. This paragraph makes allegations against “Red Rock Management” which,
16 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
17 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
18 answering defendants, this paragraph calls for a legal conclusion to which no response is required
19 and therefore deny. All allegations of agency are denied.

20 74(a). This paragraph makes allegations against “Red Rock Management” which,
21 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
22 the allegations in this paragraph are directed to other defendants, no response is needed. All
23 allegations of agency are denied. As to the answering defendants, denied for lack of information.

1 74(b). This paragraph makes allegations against “Red Rock Management” which,
 2 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 3 the allegations in this paragraph are directed to other defendants, no response is needed. All
 4 allegations of agency are denied. As to the answering defendants, denied for lack of information.

5 74(c). This paragraph makes allegations against “Red Rock Management” which,
 6 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 7 the allegations in this paragraph are directed to other defendants, no response is needed. All
 8 allegations of agency are denied. As to the answering defendants, denied for lack of information.

9 75. This paragraph makes allegations against “Red Rock Management” which,
 10 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 11 the allegations in this paragraph are directed to other defendants, no response is needed. All
 12 allegations of agency are denied. As to the answering defendants, denied for lack of information.

13 76. This paragraph makes allegations against “Red Rock Management” which,
 14 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 15 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
 16 answering defendants, this paragraph calls for a legal conclusion to which no response is required
 17 and therefore deny. All allegations of agency are denied.

18 77. This paragraph makes allegations against “Red Rock Management” which,
 19 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 20 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
 21 answering defendants, deny. All allegations of agency are denied.

22 78. This paragraph makes allegations against “Red Rock Management” which,
 23 according to Paragraph #7, includes defendants other than the answering defendants. To the extent
 24 the allegations in this paragraph are directed to other defendants, no response is needed. As to the
 25

1 answering defendants, deny.

2 **SIXTH CLAIM FOR RELIEF**

3 **(Monell Unconstitutional/Illegal Custom, Policy, or Procedure against “Red Rock**
 4 **Management,” Jones, Marshall, and McLellan)**

5 79. Defendants re-allege and incorporate their responses to paragraphs 1–78.

6 80. This paragraph makes allegations against “Red Rock Management” which,
 7 according to Paragraph #7, includes defendants other than the answering defendants. This
 8 paragraph also contains allegations against other individual defendants Jones, Marshall and
 9 McLellan. To the extent the allegations in this paragraph are directed to other defendants, no
 10 response is needed. As to the answering defendants, deny for lack of information. All allegations
 11 of agency are denied.

12 81. This paragraph makes allegations against “Red Rock Management” which,
 13 according to Paragraph #7, includes defendants other than the answering defendants. This
 14 paragraph also contains allegations against other individual defendants Jones, Marshall and
 15 McLellan. To the extent the allegations in this paragraph are directed to other defendants, no
 16 response is needed. As to the answering defendants, deny for lack of information. All allegations
 17 of agency are denied.

18 82. This paragraph is directed to other defendants and no response from the answering
 19 defendants is required. To the extent that a response from the answering defendants is required,
 20 deny for lack of information.

21 83. This paragraph makes allegations against “Red Rock Management” which,
 22 according to Paragraph #7, includes defendants other than the answering defendants. This
 23 paragraph also contains allegations against other individual defendants Jones, Marshall and
 24 McLellan. To the extent the allegations in this paragraph are directed to other defendants, no
 25

1 response is needed. As to the answering defendants, deny. All allegations of agency are denied.

2 84. This paragraph is directed to other defendants and no response from the answering
3 defendants is required. To the extent that a response from the answering defendants is required,
4 deny for lack of information.

5 85. As to the answering defendants, deny.

6 **SEVENTH CLAIM FOR RELIEF**

7 **(Civil Rights Claim against Santi, Palm, and Stupak)**

8 86. Defendants re-allege and incorporate their responses to paragraphs 1–86.

9 87. As to the answering defendants, deny for lack of information. All allegations of
10 agency are also denied.

11 87(a). As to the answering defendants, deny for lack of information. All allegations of
12 agency are also denied.

13 87(b). As to the answering defendants, deny for lack of information. All allegations of
14 agency are also denied.

15 87(c). As to the answering defendants, deny for lack of information. All allegations of
16 agency are also denied.

17 87(d). As to the answering defendants, deny for lack of information. All allegations of
18 agency are also denied.

19 87(e). As to the answering defendants, deny for lack of information. All allegations of
20 agency are also denied.

21 88. As to the answering defendants, deny for lack of information. All allegations of
22 agency are also denied.

23 89. As to the answering defendants, deny for lack of information. All allegations of
24 agency are also denied.

25
DEFENDANTS SEQUEL TSI HOLDINGS, LLC;
SEQUEL YOUTH AND FAMILY SERVICES, LLC;
AND SEQUEL YOUTH SERVICES OF RED ROCK
CANYON, LLC, ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT - 18

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90. Deny.

EIGHT CLAIM FOR RELIEF

(State Created Danger Civil Rights Claim against Jones, Marshall, and McLellan)

91. Defendants re-allege and incorporate their responses to paragraphs 1–90.

92. Paragraph #92 contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering defendants deny for lack of information.

93. Paragraph #93 contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering defendants deny for lack of information.

93(a). Paragraph #93(a) contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering defendants deny for lack of information.

93(b). Paragraph #93(b) contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering defendants deny for lack of information.

94. Paragraph #95 contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering defendants deny for lack of information.

95. Paragraph #96 contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering defendants deny for lack of information.

96. Paragraph #97 contains allegations that do not relate to the answering defendants and, as such, does not require a response. To the extent that a response is required, the answering

1 defendants deny for lack of information.

2 **PLAINTIFF'S PRAYER FOR RELIEF**

3 Plaintiff's prayer for relief does not require a response. However, to the extent Plaintiff's
4 prayer for relief contained within paragraphs I-V (including subparts) are considered to contain
5 factual allegations, all such allegations are hereby denied.

6 Defendant denies any and all allegations not expressly admitted above.

7 **AFFIRMATIVE DEFENSES**

8 As further answer to the Plaintiff's Complaint, and in order to preserve the right to assert
9 affirmative defenses at trial, Defendants hereby notifies the Plaintiff that they are pleading all
10 theories of defense available pursuant to law. Based on the information now available, Defendants
11 generally deny the Plaintiff's causes of action, causation, and damages, and reserves the right to
12 assert affirmative defenses including but not limited to the following:

13 **FIRST AFFIRMATIVE DEFENSE**

14 (Non-Economic Damage Cap – ORS 31.710)

15 To the extent plaintiffs seeks non-economic damages in excess of \$500,000, Plaintiffs'
16 claims for such damages are barred by ORS 31.710.

17 **SECOND AFFIRMATIVE DEFENSE**

18 (Fault of Other Parties or Nonparties)

19 Plaintiff's damages, if any, were caused in whole or in part by another party.

20 **THIRD AFFIRMATIVE DEFENSE**

21 (Failure to State a Claim)

22 Plaintiff's Complaint has failed to allege ultimate facts sufficient to constitute a claim
23 against Defendant.

24 //

25
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AMENDED COMPLAINT - 20

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FOURTH AFFIRMATIVE DEFENSE

(Apportionment of Fault)

Plaintiff's damages, if any, must be apportioned among the parties and non-parties found at fault in accordance with Oregon law.

FIFTH AFFIRMATIVE DEFENSE

(Contributory Negligence/Comparative Fault)

Plaintiff's damages, if any, were caused by her own negligence or fault.

SIXTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

Plaintiff has failed to mitigate her damages in accordance with Oregon law.

SEVENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

Plaintiff has not brought this action within the allowed statute of limitations in accordance with Oregon law.

EIGHTH AFFIRMATIVE DEFENSE

(Reservation)

Defendant reserves the right to assert any affirmative defense that becomes apparent during the course of discovery. The defense also reserves the right to challenge service of process.

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SEQUEL YOUTH AND FAMILY SERVICES, LLC;
AND SEQUEL YOUTH SERVICES OF RED ROCK
CANYON, LLC, ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT - 21

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PRAYER FOR RELIEF

Having fully answered Plaintiff's Complaint, Defendant requests judgment in their favor by dismissing Plaintiff's claims against them, including an award of their costs and disbursements incurred as a result. Defendant requests a jury trial.

DATED this 18th day of April, 2024.

FAIN ANDERSON VANDERHOEF
ROSENDAHL O'HALLORAN SPILLANE, PLLC

By: /s/Eron Z. Cannon

Eron Z. Cannon, OSB #145794

Michelle L. Hyer, PHV

Attorney for Defendant Sequel Youth and
Family Services, LLC

DEFENDANTS SEQUEL TSI HOLDINGS, LLC;
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AND SEQUEL YOUTH SERVICES OF RED ROCK
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AMENDED COMPLAINT - 22

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CERTIFICATE OF SERVICE

I declare under penalty of perjury of the laws of the State of Washington that on the date below a copy of the foregoing document was forwarded for service upon counsel of record as follows:

Counsel for Plaintiff

Jeremiah Ross
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Drew K. Baumchen
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Drew.Baumchen@doj.state.or.us

Signed at Seattle, Washington this 18th day of April, 2024.

/s/Donna Steinmetz

Donna Steinmetz, *Legal Assistant*

DEFENDANTS SEQUEL TSI HOLDINGS, LLC;
SEQUEL YOUTH AND FAMILY SERVICES, LLC;
AND SEQUEL YOUTH SERVICES OF RED ROCK
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AMENDED COMPLAINT - 23

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